

REGULATION No. II OF 1888.

(PASSED ON THE 2ND DAY OF AUGUST 1888.)

A Regulation to regulate the manufacture, possession, use, sale, transport and importation of explosives.

WHEREAS it is expedient to regulate the manufacture, possession, use, sale, transport and importation of explosives; His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. This Regulation may be called the Mysore Explosives Regulation, 1888.

Commence-
ment.

2. (1) This Regulation shall come into force on such day* as His Highness the Maharaja's Government by notification in the official Gazette appoints.

(2) Provided that any notification or rule may be made under this Regulation at any time after the passing thereof, but shall not take effect until the Regulation comes into force.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,

(1) "explosive" means any substance dangerous to life or property by reason either of its explosive properties or of any process in the manufacture thereof being liable to cause explosion, which the Government of Mysore may, from time to time by notification in the official Gazette, declare to be an explosive within the meaning of this Regulation:

(2) "manufacture" includes the process of dividing into its component parts or otherwise breaking up or unmaking any explosive or making fit for use any damaged explosive, and the process of re-making, altering or repairing any explosive:

(3) "carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

(4) "import" means to bring into the territories of Mysore by land.

Power to
make rules as
to licensing
of the manu-
facture,
possession,
use, sale,
transport and
importation of
explosives.

4. (1) The Government of Mysore may, for any part of the territories under its administration, make rules consistent with this Regulation to regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by these rules, the manufacture, possession, use, sale, transport and importation of explosives, or any specified class of explosives.

* The 1st July 1898, vide Notification No. 234 M, dated 31st March 1898, published in the Mysore Gazette of 14th April 1898.

Section 5.

(2) Rules under this section may provide for all or any of the following among other matters, that is to say:—

- (a) the authority by which licenses may be granted;
- (b) the fees to be charged for licenses and the other sums (if any) to be paid for expenses by applicants for licenses;
- (c) the manner in which applications for licenses must be made, and the matters to be specified in such applications;
- (d) the form in which and the conditions on and subject to which licenses must be granted;
- (e) the period for which licenses are to remain in force; and
- (f) the exemption absolutely or subject to conditions of any explosives from the operation of the rules.

(3) The authority making rules under this section may by the rules impose penalties on all persons manufacturing, possessing, using, selling, transporting or importing explosives in breach of the rules or otherwise contravening the rules;

Provided that the maximum penalty which may be imposed by any such rules shall not exceed:—

- (a) in the case of a person so importing or manufacturing an explosive, a fine which may extend to three thousand rupees;
- (b) in the case of a person so possessing, using or transporting an explosive, a fine which may extend to one thousand rupees;
- (c) in the case of a person so selling an explosive, a fine which may extend to five hundred rupees; and
- (d) in any other case, two hundred rupees.

5. (1) Notwithstanding anything in the rules under the last foregoing section, the Government of Mysore may, from time to time, by notification in the official Gazette:—

(a) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the Government of Mysore, it is expedient for the public safety to issue the notification; and

(b) cancel any notification under this section.

(2) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be punished with fine which may extend to three thousand rupees.

Power for Government to prohibit the manufacture, possession or importation of specially dangerous explosives.

Sections 6-8.

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

6. (1) The Government of Mysore may make rules consistent with this Regulation authorizing any officer, either by name or in virtue of his office—

(a) to enter, inspect, and examine any place or carriage in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under this Regulation, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Regulation or of the rules made under this Regulation;

(b) to search for explosives therein;

(c) to take samples of any explosive found therein on payment of the value thereof; and

(d) to seize, detain, remove, and, if necessary, destroy any explosive found therein.

(2) The provisions of the Code of Criminal Procedure as introduced into the territories of Mysore by Mysore Regulation I of 1886, relating to searches under that Code, shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

Notice of accidents.

7. Whenever there occurs in or about or in connection with any place in which an explosive is manufactured, possessed or used, or any carriage either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police station.

Inquiry into accidents.

8. (1) Whenever in the opinion of a District Magistrate, Sub-Divisional Magistrate, or any other Magistrate specially empowered by the Government of Mysore in this behalf, an inquiry is necessary into the cause of any accident of the description mentioned in section 7, he may either himself make the inquiry or direct a Magistrate subordinate to himself to make the inquiry.

(2) Any Magistrate making an inquiry under this section shall, for the purposes of conducting the inquiry, have all the powers which he would have in holding an inquiry into an offence under the Code of Criminal Procedure as so introduced as aforesaid.

Sections 9-13.

9. When a person is convicted of an offence punishable under this Regulation or the rules made under this Regulation, the Court before which he is convicted may direct that the explosive or ingredient of the explosive or the substance (if any) in respect of which the offence has been committed or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Forfeiture of explosives.

10. Whoever abets within the meaning of the Indian Penal Code as in force in the territories of Mysore the commission of an offence punishable under this Regulation, or the rules made under this Regulation, or attempts to commit any such offence, and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

Abetment and attempts.

11. Whoever is found committing any act for which he is punishable under this Regulation or the rules under this Regulation, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored or any railway or any carriage, may be apprehended without a warrant by a police officer or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place or by any agent, or servant of, or other person authorized by the railway administration, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

Power to arrest without warrant persons committing dangerous offences.

12. Nothing in this Regulation shall apply to the manufacture, possession, use, sale, transport or importation of any explosive—

Saving for manufacture, possession, use, sale, transport or importation by Government.

(a) by order of the Government of Mysore, or,

(b) by any person employed under that Government in the execution of this Regulation, or as a keeper of a magazine, artizan, policeman or otherwise, or enrolled as a volunteer under the Indian Volunteers Act, XX of 1869, in the course of his employment or duty as such.

13. Nothing in this Regulation shall affect the provisions of the Indian Arms Act, 1878, [a] as in force in the territories of Mysore, or any law for the time being in force relating to the manufacture, conversion, possession, transport and sale of arms, ammunition and military stores:

Saving of Indian Arms Act, 1878.

Provided that an authority granting a license under this Regulation for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order

[a] The Indian Arms Act, XI of 1878, was repealed in Mysore by Regulation VI of 1890, s. 2.

Sections 14-15.

written on the license that it shall have the effect of a like license granted under the said Indian Arms Act.

Saving as to
liability under
other law.

14. Nothing in this Regulation or the rules under this Regulation shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or those rules or from being liable under that other law to any other or higher punishment or penalty than that provided by this Regulation or those rules:

Provided that a person shall not be punished twice for the same offence.

Procedure for
making publi-
cation and
confirmation
of rules.

15. (1) Before making any rules under this Regulation the Government of Mysore shall publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in such manner as the Government of Mysore, from time to time, may consider adequate.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The Government of Mysore shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Regulation shall not take effect until it has been published in the official Gazette.

(6) The publication in the official Gazette of a rule purporting to be made under this Regulation shall be conclusive evidence that it has been duly made.

(7) All powers to make rules conferred by this Regulation may be exercised from time to time as occasion requires.